

REMARKS

The present paper is being filed in response to a Notice of Non-Compliant Amendment dated October 6, 2009, which set a three-month period of time to respond following the mailing date of the final rejection, which was mailed on June 23, 2009, setting a three-month shortened statutory period. As such the instant response is timely filed on October 19, 2009, by virtue of the attached petition and fee for a one-month extension of time.

A. Status of the Claims

Claims 4, 14, 18 and 24-28 are pending in the instant case. Claims 24-28 are allowed. Claims 1, 14 and 18 stand rejected under 35 U.S.C 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims were stated as being indefinite because the formula in claim 4, filed March 9, 2009, did not contain R10. Applicants believe the above response overcomes all the rejections under 35 U.S.C. 112, second paragraph. Applicants therefore request that the instant application be allowed.

The Commissioner is authorized to charge any additional fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: October 19, 2009

Respectfully submitted,

/Nabeela R. McMillian, #43,363/

Nabeela R. McMillian
Reg. No. 43,363

McAndrews, Held & Malloy, Ltd.
500 West Madison Street
34th Floor
Chicago, IL 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100